VILLAGE OF OTWAY SCIOTO COUNTY Regular Audit

For the Years Ended December 31, 2010 and 2009

Perry & AssociatesCertified Public Accountants, A.C.



Dave Yost · Auditor of State

Village Council Village of Otway 6864 State Route 73 Otway, Ohio 45657

We have reviewed the *Independent Accountants' Report* of the Village of Otway, Scioto County, prepared by Perry & Associates, Certified Public Accountants, A.C., for the audit period January 1, 2009 through December 31, 2010. Based upon this review, we have accepted these reports in lieu of the audit required by Section 117.11, Revised Code. The Auditor of State did not audit the accompanying financial statements and, accordingly, we are unable to express, and do not express an opinion on them.

The financial statements in the attached report are presented in accordance with a regulatory basis of accounting prescribed or permitted by the Auditor of State. Due to a February 2, 2005 interpretation from the American Institute of Certified Public Accountants (AICPA), modifications were required to the *Independent Accountants' Report* on your financial statements. While the Auditor of State does not legally require your government to prepare financial statements pursuant to Generally Accepted Accounting Principles (GAAP), the AICPA interpretation requires auditors to formally acknowledge that you did not prepare your financial statements in accordance with GAAP. The attached report includes an opinion relating to GAAP presentation and measurement requirements, but does not imply the statements are misstated under the non-GAAP regulatory basis. The *Independent Accountants' Report* also includes an opinion on the financial statements using the regulatory format the Auditor of State permits.

Our review was made in reference to the applicable sections of legislative criteria, as reflected by the Ohio Constitution, and the Revised Code, policies, procedures and guidelines of the Auditor of State, regulations and grant requirements. The Village of Otway is responsible for compliance with these laws and regulations.

Dave Yost Auditor of State

August 29, 2011



TABLE OF CONTENTS

TITLE	PAGE
Independent Accountants' Report	1
Combined Statement of Cash Receipts, Cash Disbursements, and Changes in Fund Cash Balances - All Governmental Fund Types - For the Year Ended December 31, 2010	3
Combined Statement of Cash Receipts, Cash Disbursements, and Changes in Fund Cash Balances - All Governmental Fund Types - For the Year Ended December 31, 2009	4
Notes to the Financial Statements	5
Independent Accountants' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Required by Government Auditing Standards	9
Schedule of Audit Findings	11
Schedule of Prior Audit Findings	13



Perry & Associates

Certified Public Accountants, A.C.

www.perrycpas.com

MARIETTA 428 Second Street Marietta, OH 45750 (740) 373-0056 (740) 373-2402 Fax PARKERSBURG 1035 Murdoch Avenue Parkersburg, WV 26101 (304) 422-2203 (304) 428-5587 Fax ST. CLAIRSVILLE 121 E Main Street St. Clairsville, OH 43950 (740) 695-1569 (740) 695-5775 Fax

INDEPENDENT ACCOUNTANTS' REPORT

June 28, 2011

Village of Otway Scioto County 6864 State Route 73 Otway, OH 45657

To the Village Council:

We have audited the accompanying financial statements of **Village of Otway**, Scioto County, Ohio, (the Village) as of and for the years ended December 31, 2010 and 2009. These financial statements are the responsibility of the Village's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the Comptroller General of the United States' *Government Auditing Standards*. Those standards require that we plan and perform the audit to reasonably assure whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

As described more fully in Note 1, the Village has prepared these financial statements using accounting practices the Auditor of State prescribes or permits. These practices differ from accounting principles generally accepted in the United States of America (GAAP). Although we cannot reasonably determine the effects on the financial statements of the variances between these regulatory accounting practices and GAAP, we presume they are material.

Instead of the combined funds the accompanying financial statements present, GAAP require presenting entity wide statements and also presenting the Village's larger (i.e. major) funds separately. While the Village does not follow GAAP, generally accepted auditing standards requires us to include the following paragraph if the statements do not substantially conform to GAAP presentation requirements. The Auditor of State permits, but does not require Villages to reformat their statements. The Village has elected not to follow GAAP statement formatting requirements. The following paragraph does not imply the amounts reported are materially misstated under the accounting basis the Auditor of State permits. Our opinion on the fair presentation of the amounts reported pursuant to its non-GAAP basis is in the second following paragraph.

Village of Otway Scioto County Independent Accountants' Report Page 2

In our opinion, because of the effects of the matter discussed in the preceding two paragraphs, the financial statements referred to above for the years ended December 31, 2010 and 2009 do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the Village as of December 31, 2010 and 2009, or its changes in financial position for the years then ended.

Also, in our opinion, the financial statements referred to above present fairly, in all material respects, the combined fund cash balances and reserves for encumbrances of the Village of Otway, Scioto County, as of December 31, 2010 and 2009, and its combined cash receipts and disbursements for the years then ended on the accounting basis Note 1 describes.

The Village has not presented Management's Discussion and Analysis, which accounting principles generally accepted in the United States of America has determined is necessary to supplement, although not required to be part of, the financial statements.

In accordance with *Government Auditing Standards*, we have also issued our report dated June 28, 2011 on our consideration of the Village's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. While we did not opine on the internal control over financial reporting or on compliance, that report describes the scope of our testing of internal control over financial reporting and compliance, and the results of that testing. That report is an integral part of an audit performed in accordance with *Government Auditing Standards*. You should read it in conjunction with this report in assessing the results of our audit.

Respectfully Submitted,

Perry and Associates

Certified Public Accountants, A.C.

Yery Mancules CAS A. C.

COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES ALL GOVERNMENTAL FUND TYPES FOR THE YEAR ENDED DECEMBER 31, 2010

	Gov	ernmenta																		
	G	General		-		General		Special General Revenue		_		_		_		General		-		Totals morandum Only)
Cash Receipts:																				
Local Taxes	\$	5,466	\$	3,174	\$	8,640														
Intergovernmental	-	2,566	_	4,187	_	6,753														
Charges for Services		_,		36,095		36,095														
Earnings on Investments		109		-		109														
Miscellaneous		58				58														
Total Cash Receipts		8,199		43,456		51,655														
Cash Disbursements:																				
Current:																				
Security of Persons & Property		-		20,594		20,594														
Community Environment		-		537		537														
Basic Utility Services		1,102		13,573		14,675														
Transportation		-		1,537		1,537														
General Government		4,630		11,180		15,810														
Total Cash Disbursements		5,732		47,421		53,153														
Total Cash Receipts Over/(Under) Disbursements		2,467		(3,965)		(1,498)														
Fund Cash Balances, January 1		259		21,998		22,257														
Fund Cash Balances, December 31	\$	2,726	\$	18,033	\$	20,759														
Reserve for Encumbrances, December 31	\$	1,326	\$	309	\$	1,635														

COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES ALL GOVERNMENTAL FUND TYPES FOR THE YEAR ENDED DECEMBER 31, 2009

	Governmental Fund Types					TD 4.1		
	General		Special Revenue		(Mer	Totals norandum Only)		
Cash Receipts:								
Local Taxes	\$	2,723	\$	4,859	\$	7,582		
Intergovernmental		2,646		4,271		6,917		
Charges for Services		-		39,494		39,494		
Earnings on Investments		121		-		121		
Miscellaneous				365		365		
Total Cash Receipts		5,490		48,989		54,479		
Cash Disbursements:								
Current:								
Security of Persons & Property		-		6,797		6,797		
Community Environment		-		921		921		
Basic Utility Services		681		16,242		16,923		
Transportation		-		2,652		2,652		
General Government		4,611		9,630		14,241		
Debt Service:								
Redemption of Principal		-		8,429		8,429		
Interest and Fiscal Charges				330		330		
Total Cash Disbursements		5,292		45,001		50,293		
Total Cash Receipts Over Disbursements		198		3,988		4,186		
Fund Cash Balances, January 1		61		18,010		18,071		
Fund Cash Balances, December 31	\$	259	\$	21,998	\$	22,257		
Reserve for Encumbrances, December 31	\$	1,255	\$	2,205	\$	3,460		

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description of the Entity

The constitution and laws of the State of Ohio establish the rights and privileges of the Village of Otway, Scioto County, (the Village) as a body corporate and politic. A publicly-elected six-member Council directs the Village. The Village provides street and state highway maintenance and fire protection.

The Village's management believes these financial statements present all activities for which the Village is financially accountable.

B. Accounting Basis

These financial statements follow the accounting basis the Auditor of State prescribes or permits. This basis is similar to the cash receipts and disbursements accounting basis. The Village recognizes receipts when received in cash rather than when earned, and recognizes disbursements when paid rather than when a liability is incurred. Budgetary presentations report budgetary expenditures when a commitment is made (i.e., when an encumbrance is approved).

These statements include adequate disclosure of material matters, as the Auditor of State prescribes or permits.

C. Deposits

The Village's accounting basis includes investments as assets. This basis does not record disbursements for investment purchases or receipts for investment sales. This basis records gains or losses at the time of sale as receipts or disbursements, respectively.

Money market mutual funds are recorded at share values the mutual funds report. The Village Fiscal Officer invests all available funds of the Village in an interest bearing checking account and a money market account.

D. Fund Accounting

The Village uses fund accounting to segregate cash and investments that are restricted as to use. The Village classifies its funds into the following types:

1. General Fund

The General Fund reports all financial resources except those required to be accounted for in another fund.

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2. Special Revenue Funds

These funds account for proceeds from specific sources (other than from private-purpose trusts or for capital projects) that are restricted to expenditure for specific purposes. The Village had the following significant Special Revenue Funds:

<u>Community Building Fund</u> - This fund receives money for rental of the gymnasium and storage units at the Community Building for maintaining and repairing Village property.

<u>Volunteer Fire Department Fund</u> – This fund receives property tax money for fire protection in the Village.

E. Budgetary Process

The Ohio Revised Code requires that each fund be budgeted annually.

1. Appropriations

Budgetary expenditures (that is, disbursements and encumbrances) may not exceed appropriations at the fund, function or object level of control, and appropriations may not exceed estimated resources. The Village Council must annually approve appropriation measures and subsequent amendments. The County Budget Commission must also approve the annual appropriation measure. Unencumbered appropriations lapse at year end.

2. Estimated Resources

Estimated resources include estimates of cash to be received (budgeted receipts) plus unencumbered cash as of January 1. The County Budget Commission must also approve estimated resources.

3. Encumbrances

The Ohio Revised Code requires the Village to reserve (encumber) appropriations when individual commitments are made. Encumbrances outstanding at year end are carried over, and need not be reappropriated in the subsequent year. The Village did not encumber all commitments required by Ohio law.

A summary of 2010 and 2009 budgetary activity appears in Note 3.

F. Property, Plant, and Equipment

The Village records disbursements for acquisitions of property, plant, and equipment when paid. The accompanying financial statements do not report these items as assets.

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

2. EQUITY IN POOLED DEPOSITS

The Village maintains a deposit pool all funds use. The Ohio Revised Code prescribes allowable deposits. The carrying amount of deposits at December 31 was as follows:

	2010	 2009
Demand deposits	\$ 20,759	\$ 22,257
Total deposits	20,759	22,257

Deposits: Deposits are insured by the Federal Depository Insurance Corporation or collateralized by the financial institution's public entity deposit pool.

3. BUDGETARY ACTIVITY

Budgetary activity for the years ended December 31, 2010 and 2009 follows:

2010	Budgeted	VS	Actual	Receints
2010	Duagetea	vo.	Actual	receipts

	Budgeted		Actual				
Fund Type	Receipts		R	eceipts	Va	Variance	
General	\$	7,703	\$	8,199	\$	496	
Special Revenue		42,091		43,456		1,365	
Total	\$	49,794	\$	51,655	\$	1,861	

2010 Budgeted vs. Actual Budgetary Basis Expenditures

App	Appropriation		Budgetary		
Authority		Expenditures		Variance	
\$	9,686	\$	7,058	\$	2,628
	55,502		47,730		7,772
\$	65,188	\$	54,788	\$	10,400
		Authority \$ 9,686 55,502	Authority Exp \$ 9,686 \$ 55,502	Authority Expenditures \$ 9,686 \$ 7,058 55,502 47,730	Authority Expenditures V \$ 9,686 \$ 7,058 \$ 55,502 47,730

2009 Budgeted vs. Actual Receipts

	Budgeted			Actual		
	•					
Fund Type	Receipts		Receipts		Variance	
General	\$	9,167	\$	5,490	\$	(3,677)
Special Revenue		55,200		48,989		(6,211)
Total	\$	64,367	\$	54,479	\$	(9,888)

2009 Budgeted vs. Actual Budgetary Basis Expenditures

	Appropriation		Βι	ıdgetary		
Fund Type	Authority		Expenditures		V	ariance
General	\$	9,888	\$	6,547	\$	3,341
Special Revenue		57,987		47,206		10,781
Total	\$	67,875	\$	53,753	\$	14,122

Contrary to ORC 5705.41(D), total budgetary expenditures exceeded appropriations in the General Fund in 2010 and the General and Highway Funds in 2009.

NOTES TO THE FINANCIAL STATEMENTS DECEMBER 31, 2010 AND 2009 (Continued)

4. PROPERTY TAX

Real property taxes become a lien on January 1 preceding the October 1 date for which the Council adopted tax rates. The State Board of Tax Equalization adjusts these rates for inflation. Property taxes are also reduced for applicable homestead and rollback deductions. The financial statements include homestead and rollback amounts the State pays as Intergovernmental Receipts. Payments are due to the County by December 31. If the property owner elects to pay semiannually, the first half is due December 31. The second half payment is due the following June 20.

Public utilities are also taxed on personal and real property located within the Village.

Tangible personal property tax is assessed by the property owners, who must file a list of such property to the County by each April 30.

The County is responsible for assessing property, and for billing, collecting, and distributing all property taxes on behalf of the Village.

5. DEBT

The Village issued a note in a prior audit period to purchase a Fire Truck for the fire department to be used for Village fire protection. The Village repaid the note in June of 2009.

6. RETIREMENT SYSTEMS

The Village's elected officials and employees belong to the Ohio Public Employees Retirement System (OPERS). OPERS is a cost-sharing, multiple-employer plans. The Ohio Revised Code prescribes this plans' benefits, which include postretirement healthcare and survivor and disability benefits.

The Ohio Revised Code also prescribes contribution rates. For 2010 and 2009, OPERS members contributed 10% of their gross salaries and the Village contributed an amount equaling 14% of participants' gross salaries. The Village has paid all contributions required through December 31, 2010.

7. RISK MANAGEMENT

The Village has obtained commercial insurance for the following risks:

- Comprehensive property and general liability;
- Vehicles; and
- Errors and omissions.

Perry & Associates

Certified Public Accountants, A.C.

www.perrycpas.com

MARIETTA 428 Second Street Marietta, OH 45750 (740) 373-0056 (740) 373-2402 Fax PARKERSBURG 1035 Murdoch Avenue Parkersburg, WV 26101 (304) 422-2203 (304) 428-5587 Fax ST. CLAIRSVILLE 121 E Main Street St. Clairsville, OH 43950 (740) 695-1569 (740) 695-5775 Fax

INDEPENDENT ACCOUNTANTS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS REQUIRED BY GOVERNMENT AUDITING STANDARDS

June 28, 2011

Village of Otway Scioto County 6864 State Route 73 Otway, OH 45657

To the Village Council:

We have audited the financial statements of **Village of Otway**, Scioto County, Ohio (the Village) as of and for the years ended December 31, 2010 and 2009, and have issued our report thereon dated June 28, 2011, wherein we noted the Village followed accounting practices the Auditor of State prescribes rather than accounting principles generally accepted in the United States of America. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the Comptroller General of the United States' *Government Auditing Standards*.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Village's internal control over financial reporting as a basis for designing our audit procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of opining on the effectiveness of the Village's internal control over financial reporting. Accordingly, we have not opined on the effectiveness of the Village's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. Therefore, we cannot assure that we have identified all deficiencies, significant deficiencies or material weaknesses. However, as described in the accompanying schedule of audit findings we identified a certain deficiency in internal control over financial reporting, that we consider a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, when performing their assigned functions, to prevent, or detect and timely correct misstatements. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and timely corrected. We consider finding 2010-001 described in the accompanying schedule of audit findings to be a material weakness.

Village of Otway Scioto County Independent Accountants' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Required by *Government Auditing Standards* Page 2

Compliance and Other Matters

As part of reasonably assuring whether the Village's financial statements are free of material misstatement, we tested its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could directly and materially affect the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and accordingly, we do not express an opinion. The results of our tests disclosed an instance of noncompliance or other matters we must report under *Government Auditing Standards* which is described in the accompanying schedule of audit findings as item 2010-002.

We did note certain matters not requiring inclusion in this report that we reported to the Village's management in a separate letter dated June 28, 2011.

We intend this report solely for the information and use of Village management, Village Council, and others within the Village. We intend it for no one other than these specified parties.

Respectfully Submitted,

Perry and Associates

Certified Public Accountants, A.C.

Yerry & associates CAB'S A. C.

SCHEDULE OF AUDIT FINDINGS DECEMBER 31, 2010 AND 2009

FINDINGS RELATED TO THE FINANCIAL STATEMENTS REQUIRED TO BE REPORTED IN ACCORDANCE WITH GAGAS

FINDING NUMBER 2010-001

Material Weakness

Posting Receipts and Expenditures

Receipts and expenditures should be posted to the fund and line item accounts as established by Ohio Administrative Code Section 117-7-01.

Receipts and expenditures were not always posted correctly. The following posting errors were noted:

- Principal payment was misclassified as a Capital Outlay expenditure in 2009.
- Intergovernmental receipts were misclassified as Property and Other Local Taxes in both 2010 and 2009.

This resulted in reclassification entries being made to the Village's financial statements. The accompanying financial statements reflect all reclassifications.

To help ensure accuracy and reliability in the financial reporting process, we recommend that management perform a detailed review of its draft financial statements. Such review should include procedures to ensure that all sources of revenues and expenditures are properly identified and classified on the financial statements.

We also recommend the Fiscal Officer refer to Ohio Administrative Code Section 117-7-01 and/or the Ohio Village Handbook for guidance to determine the proper establishment of receipt and expenditure accounts and posting of receipts and expenditures.

Management's Response – We did not receive a response from officials to this finding.

FINDING NUMBER 2010-002

Noncompliance

Ohio Revised Code § 5705.41(D)(1) prohibits a subdivision or taxing entity from making any contract or ordering any expenditure of money unless a certificate signed by the clerk is attached thereto. The clerk must certify that the amount required to meet any such contract or expenditure has been lawfully appropriated and is in the treasury, or is in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

There are several exceptions to the standard requirement stated above that a clerk's certificate must be obtained prior to a subdivision or taxing authority entering into a contract or order involving the expenditure of money. The main exceptions are: "then and now" certificates, blanket certificates, and super blanket certificates, which are provided for in sections 5705.41(D)(1) and 5705.41(D)(3), respectively, of the Ohio Revised Code.

SCHEDULE OF AUDIT FINDINGS DECEMBER 31, 2010 AND 2009

FINDINGS RELATED TO THE FINANCIAL STATEMENTS REQUIRED TO BE REPORTED IN ACCORDANCE WITH GAGAS

FINDING NUMBER 2010-002 (Continued)

- 1. "Then and Now" certificate If the clerk can certify that both at the time that the contract or order was made ("then"), and at the time that the clerk is completing the certification ("now"), that sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance, the taxing authority (Board of Trustees) can authorize the drawing of a warrant for the payment of the amount due. The taxing authority has thirty days from the receipt of the "then and now" certificate to approve payment by ordinance or resolution. Amounts of less than \$1,000 (which was increased to \$3,000 on April 7, 20093) may be paid by the clerk without a resolution or ordinance upon completion of the "then and now" certificate, provided that the expenditure is otherwise lawful. This does not eliminate any otherwise applicable requirement for approval of expenditures by the District.
- 2. Blanket Certificate clerks may prepare "blanket" certificates not exceeding \$5,000 against any specific line item account over a period not exceeding three months or running beyond the current year. The blanket certificates may, but need not, be limited to a specific vendor. Only one blanket certificate may be outstanding at one particular time for any one particular line item appropriation. Effective September 26, 2003, certificates may not exceed an amount established by resolution or ordinance of the legislative authority, and cannot extend beyond the end of the fiscal year. Blanket certificates cannot be issued unless there has been an amount approved by the legislative authority for the blanket.
- 3. Super Blanket Certificate The Village may also make expenditures and contracts for any amount from a specific line-item appropriation account in a specified fund upon certification of the clerk for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. This certification is not to extend beyond the current year. More than one super blanket certificate may be outstanding at a particular time for any line-item appropriation.

The Village did not properly certify the availability of funds prior to purchase commitments for 75% of expenditures tested in 2010 and 90% of expenditures tested in 2009.

Management's Response – We did not receive a response from officials to this finding.

SCHEDULE OF PRIOR AUDIT FINDINGS DECEMBER 31, 2010 AND 2009

	Finding Summary	Fully Corrected?	Not Corrected, Partially Corrected; Significantly Different Corrective Action Taken; or Finding No Longer Valid; <i>Explain</i>
2008-001	Posting Estimated Revenues and Appropriations	Partially	Moved to Management Letter
2008-002	Accounting for Receipts and Expenditures	No	Not Corrected, Repeated as Finding 2010-001
2008-003	Property Tax Receipts	Yes	N/A
2008-004	ORC 5705.41 (D)	No	Not Corrected, Repeated as Finding 2010-002
2008-004	ORC 5705.36	Partially	Moved to Management Letter





VILLAGE OF OTWAY

SCIOTO COUNTY

CLERK'S CERTIFICATION

This is a true and correct copy of the report which is required to be filed in the Office of the Auditor of State pursuant to Section 117.26, Revised Code, and which is filed in Columbus, Ohio.

CLERK OF THE BUREAU

Susan Babbitt

CERTIFIED SEPTEMBER 8, 2011